IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 23094 of 2003

Between:

Yalla Brahmandam, S/o. Venkata Reddy Naidu,
R/o. Bandamurulanka, Allavaram Mandal, East Godavari District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by its Principal Secretary to Irrigation and

Command Area Development Deparment,
Saifabad,Secretariat, Hyderabad.
2 The District Collector, Kakinada, East Godavari District.
3 The Revenue Divisional Officer, Amalapuram, East Godavari District.
4 The Mandal Revenue Officer, Allavaram Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in forming only ten Territorial Constituencies by deleting Territorial Constituency Nos. 10 & 11 from the Bandamurulanka Water Users Association as illegal, arbitrary and violative of Principles of Natural justice and also violative of Articles 14 & 21 of the Constitution of India and also against to Act 11/97 and the Rules made thereunder and consequently direct the respondents to form 12 Territorial Constituencies by including Territorial Constituency Nos. 10 & 11 also to the Bandamurulanka Water Users Association by permitting the land holders therein to vote and contest and then only to conduct elections to the same.

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondents : GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner herein complaining against the very constituencies and the format as such in regard to the territorial constituencies and the action of the deletion of certain areas, filed this Writ Petition, inter alia, seeking writ of Mandamus, declaring such action as illegal and violative of the articles 14 and 21 of the Constitution of India and the provisions of Act 11 of 1997 and rules made there under.

Though several allegations have been made in regard to the very nature of inclusion and exclusion as such, in the counter-affidavit filed on behalf of the respondents herein it is stated that there have been some discrepancies in regard to inclusion and exclusion in the voters' list of T.C.Nos.10 and 11, which according to them will be rectified with inclusion of bona fide voters and elections will be conducted thereafter.

Having regard to the statement as made in the Counter-affidavit and the proposed action for correcting the mistakes committed, it is not necessary to go into the merits of the case.

Accordingly, the Writ Petition is disposed of leaving open for the respondents to take up appropriate action in accordance with law. No costs.

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B.PRAKASH RAO, J.

Dated 27-10-2004.

SKMR

To

1 The Principal Secretary to Irrigation and

Command Area Development Deparment,

State of Andhra Pradesh, Saifabad,Secretariat, Hyderabad.
2 The District Collector, Kakinada, East Godavari District.
3 The Revenue Divisional Officer, Amalapuram, East Godavari District.
4 The Mandal Revenue Officer, Allavaram Mandal, East Godavari District.

5. 2CCs to G.P. for Irrigation & Comm. Area Dev., High Court

Buildings, Hyderabad. (OUT)..

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